

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JAMES CONTANT, <i>et al.</i> , Plaintiffs, v. BANK OF AMERICA CORPORATION, <i>et al.</i> , Defendants.	Civil Action No. 17-cv-3139-LGS (related to No. 13-cv-7789-LGS)
--	--

**NOTICE OF PLAINTIFFS' MOTION FOR DISBURSEMENT
OF INTEREST INCOME ON THE SETTLEMENT FUNDS**

PLEASE TAKE NOTICE that, on a date and at a time to be determined by the Court, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, in the Courtroom of the Honorable Lorna G. Schofield, Plaintiffs will, and hereby do, move this Court, for an Order:

- (1) Approving the Additional Net Settlement Funds allocation determinations made by Court-appointed Claims Administrator Heffler Claims Group ("Heffler"), now known as Kroll Settlement Administration ("Kroll"), in consultation with Plaintiffs' expert economic consulting firm, applEcon, based on the Court-approved Plan of Allocation;
- (2) Authorizing the Claims Administrator to distribute to each authorized Claimant its *pro rata* share of the Additional Net Settlement Funds;
- (3) Authorizing the interest income earned on the Settlement Escrow Accounts from December 1, 2021 until the time the Net Settlement Funds are distributed to authorized Claimants to be apportioned 76.3% to the funds to be used to pay

authorized Claimants and reimbursement of expenses and 23.7% to Attorneys' fees owed;

- (4) Approving the payments of: (a) \$41,600 to the Claims Administrator for claims administration duties and management of the distribution process including printing of checks, postage, the reissuance of checks, as needed, along with Class Member communications and any other duties deemed necessary to complete the distribution; (b) \$600 to applEcon for fees to assist with the claims process and recalculating payments to authorized claimants to account for the Additional Net Settlement Funds; (c) \$22,136.54 to Class Counsel for costs and expenses incurred in connection with the determination, litigation and appeal of AMA's claim, including payments to subject matter experts; and (d) a reserve for the payment of \$51,000 of taxes associated with the Settlement Funds and the related professional fees for preparing tax returns.
- (5) Approving the withholding of \$10,000 from the Additional Net Settlement Funds to address any unanticipated disputes arising from the claims process and the distribution of the Net Settlement Funds and Additional Net Settlement Funds for the payment of any future incurred administrative costs.
- (6) Releasing and discharging Class Counsel, the Claims Administrator (Kroll), applEcon and all persons who are involved in the review, verification, calculation, tabulation or any other aspect of the processing of the claims filed in this action, or who are otherwise involved in such activities, from any claims by AMA arising out of the administration of Settlement Funds.

Submitted herewith in support of this Motion are the following:

- (1) Memorandum in Support of Plaintiffs' Motion for Disbursement of the Interest Income

Earned on the Settlement Funds;

(2) Declaration of Justin R. Hughes in support of Plaintiffs' Motion for Disbursement of the Interest Income Earned on the Settlement Funds;

(3) Declaration of Michael Dell'Angelo in Support of Plaintiffs' Motion for Disbursement of the Interest Income Earned on the Settlement Funds, and exhibit; and

(4) Proposed Order Approving Disbursement of Settlement Funds.

Dated: May 18, 2023

Respectfully submitted,

/s/ Michael Dell'Angelo

Michael Dell'Angelo

Michael J. Kane

BERGER MONTAGUE PC

1818 Market Street, Suite 3600

Philadelphia, PA 19103

Tel: (215) 875-3000 / Fax: (215) 875-4604

mdellangelo@bm.net

mkane@bm.net

Settlement Class Counsel

Todd M. Schneider

SCHNEIDER WALLACE COTTRELL

KONECKY LLP

2000 Powell Street, Suite 1400

Emeryville, California 94608

Tel: (415) 421-7100 / Fax: (415) 421-7105

tschneider@schneiderwallace.com

Counsel for Plaintiffs and the Settlement Classes

Joseph C. Peiffer

PEIFFER WOLF CARR & KANE, APLC

201 St. Charles Ave. Suite 4610

New Orleans, LA 70170

Tel: (504) 523-2434 / Fax: (504) 523-2464

jpeiffer@pwcklegal.com

Counsel for Plaintiffs and the Settlement Classes

R. Bryant McCulley
Stuart McCluer
McCULLEY McCLUER PLLC
701 East Bay Street
Suite 411
Charleston, SC 29403
Tel: (843) 444-5404 / Fax: (843) 444-5408
bmcculley@mcculleymccluer.com
smccluer@mcculleymccluer.com

Counsel for Plaintiffs and the Settlement Classes